

Appl. No. 10/028,382  
Amendment and/or Reply  
to the Office Action of 16 February 2006

## **2. REMARKS / DISCUSSION OF ISSUES**

Claims 1-6 are presently pending in the application. Claims 1 and 4 are the independent claims. Unless indicated otherwise, claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language.

### **I. Rejections under 35 U.S.C. § 112, Second Paragraph**

Claim 1 has been amended to remedy the noted antecedent basis issue presented in the Office Action.

### **II. Rejections under 35 U.S.C. § 102(b)**

Claims 1-6 are rejected under 35 U.S.C. § 102(b) in view of *Akima* (EP 1041767). For at least the reasons set forth herein, it is respectfully submitted that this rejection is improper and should be withdrawn.

A proper rejection for anticipation "...requires, as the first step in the inquiry, that **all the elements** of the claimed invention be described in a single reference." *In re Spada* 15 USPQ2d 1655, 1657 (1990). A necessary corollary to the test of anticipation is that "...the absence from the reference of **any claimed element** negates anticipation." *Kloster-Speedsteel AB v. Crucible, Inc.* 230 USPQ 81, 86 (CAFC 1986).

Claim 1 is drawn to a hashing system, and includes the feature that the "...*hash function being the same in said each hash device...*" This was noted in the response filed in December 2005. Claim 4 includes a similar feature.

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Applicants maintain their position that the reference to *Akima* fails to disclose that the hash function is the same. As noted in the previous response, the signaling station divides data to be transmitted into a plurality of data blocks D1 to Dn. A plurality of hash units 2 creates a plurality of authenticators by applying a different one way function to each block. At paragraph [0025] the reference discloses that the hash units having one-way **functions** for converting the data D1 to Dn. Again, there are many hash units and the reference discloses that these are different.

The Office Action alleges that the disclosure in *Akima* does disclose in paragraphs [0041] and [0050] that there is but one hash function disclosed. Respectfully, a review of the relied-upon portions of the reference does not reveal such a disclosure. To wit, in Figs. 2A and 3A, the reference to *Akima* portrays the hashing units 2 comprised of parallel units 2. Each unit does include a one-way function 22, with a different key. This is entirely consistent with the depiction of Fig. 1. However, the Office Action is relying on the use of the term 'one-way function 22' in asserting that the hash function is the same in each hash unit. But, this is not disclosed. Rather, the reference clearly states that the hash functions are different, as noted previously. This is further supported by the need for a different key (K1 to Kn) for each function 22; and the subsequent conversion of data D1 to Dn to authentication signs CS1 to CSn, respectively. (Kindly refer to paragraphs[0025], [0031], [0041] and [0050].

For at least the reasons set forth above, Applicants respectfully submit that the reference to *Akima* lacks at least one of the elements of claims 1 and 4. Thus, a prima facie case of anticipation cannot be made based on *Akima* and these claims are patentable over the applied reference. Moreover, claims 2-3 and 5-6, which depend from claims 1 and 4, respectively are also patentable at least for the reasons set forth above.

### III. Conclusion

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In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees, including, but not limited to, the fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,



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